

## HOUSE BILL NO. 160

INTRODUCED BY H. JACOBSON

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT ADMINISTRATION, HEARINGS, INJUNCTION, AND ENFORCEMENT AUTHORITY PROVIDED BY THE DEPARTMENT OF LABOR AND INDUSTRY UNDER BUILDING CONSTRUCTION CODES APPLIES TO PLUMBING, ELECTRICAL, AND ELEVATOR CODES; MAKING THE MISDEMEANOR OFFENSE PROVISIONS OF THE STATE PLUMBING, ELECTRICAL, AND ELEVATOR CODES CONSISTENT WITH THE BUILDING CODE; INCREASING BOILER INSPECTION AND CERTIFICATION FEES HANDLED BY THE DEPARTMENT; AMENDING SECTIONS 50-60-103, 50-60-105, 50-60-109, 50-60-110, AND 50-74-219, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 50-60-103, MCA, is amended to read:

**"50-60-103. Administration by department.** The department shall administer parts 1 through ~~4~~ 7 and for that purpose shall:

(1) issue orders necessary to effectuate the purposes of parts 1 through ~~4~~ 7 and enforce the orders by all appropriate administrative and judicial proceedings;

(2) enter, inspect, and examine buildings or premises necessary for the proper performance of its duties under parts 1 through ~~4~~ 7;

(3) study the operation of the state building code, local building regulations, and other laws related to the construction of buildings to ascertain their effects upon the cost of building construction and the effectiveness of their provisions for health and safety;

(4) recommend tests or require the testing and approval of materials, devices, and methods of construction to ascertain their acceptability under the requirements of the state building code and issue certification of the acceptability;

(5) appoint experts, consultants, and technical advisers for assistance and recommendations relative to the formulation and adoption of the state building code;

(6) advise, consult, and cooperate with other agencies of the state, local governments, industries, and interested persons or groups; and

(7) consult with the building codes council, established in 50-60-115, on all rules and interpretations of building code provisions and on the checklist for the examination of single-family dwelling construction plans provided for in 50-60-118."

**Section 2.** Section 50-60-105, MCA, is amended to read:

**"50-60-105. Hearings authorized.** The department may hold hearings relating to the administration of parts 1 through 4 7 in accordance with the Montana Administrative Procedure Act."

**Section 3.** Section 50-60-109, MCA, is amended to read:

**"50-60-109. Injunctions authorized.** (1) The construction or use of the building in violation of any provision of the state building, plumbing, elevator, or electrical code or county, city, or town building code or of any lawful order of a state building official or a local building department may be enjoined by a judge of the district court in the judicial district in which the building is located.

(2) This section is governed by the Montana Rules of Civil Procedure."

**Section 4.** Section 50-60-110, MCA, is amended to read:

**"50-60-110. Violation a misdemeanor.** Any person served with an order pursuant to the provisions of parts 1 through 4 7 who fails to comply with the order not later than 30 days after service or within the time fixed by the department or a local building department for compliance, whichever is the greater, or any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent, their agents, or any person taking part or assisting in the construction or use of any building who knowingly violates any of the applicable provisions of the state building, plumbing, elevator, or electrical code or county, city, or town building code is guilty of a misdemeanor."

**Section 5.** Section 50-74-219, MCA, is amended to read:

**"50-74-219. Fee for inspection.** (1) Whenever a department inspector inspects a boiler, a fee must be charged and collected by the department prior to issuance of a boiler operating certificate in accordance with the following schedule:

1 (a) operating certificate, ~~\$26~~ \$31;

2 (b) internal inspection, \$75;

3 (c) external inspection:

4 (i) hot water heating and supply, ~~\$30~~ \$35;

5 (ii) steam heating, ~~\$40~~ \$50; and

6 (iii) power boiler, ~~\$55~~ \$70; and

7 (d) special inspection, \$50 an hour plus expenses.

8 (2) If two or more boilers in the same room are inspected at the same time, the total fee imposed for  
9 all boilers must be the fee for inspection of one boiler, and the fee is the amount for the type of boiler with the  
10 highest fee.

11 (3) Fees collected under this section must be deposited in ~~a department~~ the state special revenue fund  
12 in an account credited to the department for administration of the boiler inspection program."

13  
14 **NEW SECTION. Section 6. Effective date -- applicability.** [This act] is effective on passage and  
15 approval and applies to inspections conducted on or after [the effective date of this act].

16 - END -